

REMARKS/ARGUMENTS

In the current Office Action, the Examiner has required that the Applicant elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The Applicant notes that, upon allowance of a generic claim, the Examiner will consider additional species that include the limitations of the generic claim as a matter of right.

The species identified by the Examiner are: 1) lantibiotics; 2) pharmaceutical carriers; and 3) types of administration. Based on the Examiner's statement that the Applicant "elect a single and specific composition with a single and specific lantibiotic compound, specific pharmaceutical carrier(s) and specific mode of administration", the Applicant understands this requirement to be to select one species from each group.

The Applicant hereby elects, with traverse: Duramycin, as a species of Lantibiotic; saline solution, as a species of pharmaceutically acceptable carrier; and topical, as a species of mode of administration. Claims 1-5 read on the elected species.

Applicants traverse the species election insofar as this restricts the claims of the invention, as the Examiner has provided no reason that it would be an additional burden on the office to search for different lantibiotic species, different pharmaceutically acceptable carriers or different modes of administration. The Examiner has merely stated that these are not "so linked as to form a single inventive concept" and that these are not "art recognized equivalents". The Examiner has cited to PCT Rule 13.2 and PCT Administrative Instructions, Annex B, part 1(f)(i)(B)(2). However, the Applicant notes that the 'general inventive concept' is that which is claimed in the independent claim, i.e. a method of treating dry eye disease by administering a therapeutically effective amount of a lantibiotic in a pharmaceutically acceptable carrier.

No additional fees are believed to be due in connection with this response. Should the Examiner determine otherwise, the Commissioner is authorized to charge any underpayment of fees to Deposit Account No. 11-0980.

Respectfully submitted,

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